

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 11-6533
	:	
CITY OF PHILADELPHIA,	:	
	:	
Defendant.	:	
	:	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff National Association for the Advancement of Colored People moves for summary judgment pursuant to Federal Rule of Civil Procedure 56(a) and hereby submits this initial filing as required by the Court's policies and the October 24, 2013 stipulation and scheduling order (Doc. No. 80).

This Motion is directed to the following issues and sub-issues:

- I. THE CITY OF PHILADELPHIA'S AIRPORT ADVERTISING POLICY VIOLATES THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.**
 - A. The Advertising Policy Fails To Meet Strict Scrutiny.**
 - 1. The advertising policy restricts expression in a designated public forum.**
 - 2. The advertising policy does not further a compelling governmental interest.**
 - 3. The advertising policy is not narrowly tailored or the least restrictive means of achieving the purpose of the policy.**

- B. Even If Strict Scrutiny Does Not Apply, The Advertising Policy Is Unconstitutional.**
 - 1. The policy is not reasonable.**
 - 2. The policy is not viewpoint neutral.**
- C. The Advertising Policy Is Unconstitutionally Vague.**
- D. The Advertising Policy Is Unconstitutionally Overbroad.**

II. THE CITY OF PHILADELPHIA'S AIRPORT ADVERTISING POLICY VIOLATES ARTICLE I OF THE PENNSYLVANIA CONSTITUTION.

- A. For the reasons stated above, the policy also violates Article I of the Pennsylvania Constitution.**

There is no genuine dispute as to any material fact, and Plaintiff is entitled to judgment as a matter of law. Consistent with Federal Rule of Civil Procedure 11, Plaintiff affirms that it has a legally sufficient evidentiary basis for this motion. Plaintiff affirms, on information and belief, that Defendant City of Philadelphia has no legally sufficient evidentiary basis to rebut the issues and sub-issues outlined above.

Accordingly, Plaintiff requests judgment on all counts.

Dated: November 1, 2013

Respectfully,

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Counsel for Plaintiff National Association for the Advancement of Colored People

CERTIFICATE OF SERVICE

I certify that I electronically filed this document via the Court's CM/ECF system and electronically served it upon all counsel of record.

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